IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

WP.Nos.35153 and 35451 of 2015
MP.No.1 and 1 of 2015

M/s.Wood Tunes Enterprises
by its Proprietor
Nishadku, Kerala ... Petitioner-WP.35153/15

M/s.S.R.Enterprises
by its Proprietor
Shanmeer, Kerala ... Petitioner-WP.35451/15

Vs

The Deputy Commercial Tax Officer
Check Post Officer,
K.G.Chavady (Incoming)
Coimbatore 641105 ... Respondent in both WPs

Prayer:- These Writ Petitions are filed to issue a Writ of Mandamus to direct the Respondent to close the inquiry in pursuance of the goods detention notice in GDR.Nos.166/16668/2014-2015 and 164/16666/2014-2015, dated 23.5.2014, as per the Respondents of the Petitioners dated 20.2.2015 and 15.7.2015.

For Petitioner : Mr.D.Vijayakumar

For Respondent : Mr.S.Manoharan Sundaram, AGP

ORDER

In these Writ Petitions, the Petitioners seek for a direction to the Respondent to close the inquiry in pursuance of the goods detention notice in GDR.Nos.166/16668/2014 and 164/16666/2014, dated 23.5.2014.

2. The Petitioners are dealers in plywoods and assessees in the State of Kerala. During the course of such business, the Petitioners effected inter state sales to the dealers in the State of Pondicherry. While so, when the Petitioners transported plywoods to a dealer (Sri Ram Enterprises) at Pondicherry, the vehicles along with the goods belonged to the Petitioners were detained by the Respondent on the ground that the dealer, to whom the

supplies are meant, is a bill trader in the State of Tamil Nadu and having arrears of sales tax. Hence, the Petitioners filed WP.Nos.14493 and 14534 of 2014 against the detention notice dated 23.5.2014, which were disposed of by this court by order dated 6.6.2014, directing the Respondent to release the goods on conditions and to complete the enquiry within 6 months. The Petitioners got the goods released on furnishing bank guarantees on 14.6.2014. Thereafter, the Petitioners sent representations dated 20.2.2015 and 15.07.2015 and as there was no action taken by the Respondent, these Writ Petitions have been filed.

3. This court heard and considered the submissions made by the learned counsel on either side and also perused the materials placed on record.

4. The impugned show cause notices for composition of offence have been issued under Section 71 of the Tamil Nadu Value Added Tax Act, 2006 against the Petitioners. According to the Petitioners, the Respondent did not conduct any enquiry as directed by this Court earlier and that the Petitioners are no way responsible for the alleged tax evasion of the buyers in other State. Further, the specific grievance of the Petitioners is that composition proceedings have not taken place and the Respondent is also retaining the bank guarantees furnished by the Petitioners.

5. In view of the facts and circumstances of the case, without going into the merits, the Respondent is directed to complete the enquiry as well as the proceedings, after giving opportunity to the Petitioners, on merits and in accordance with law, within a period of three weeks from the date of receipt of a copy of this order.

6. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, the connected MPs are closed.



Sd/-
Assistant Registrar(CS IV)



//True Copy//

Sub Assistant Registrar

Srcm

To:

The Deputy Commercial Tax Officer
Check Post Officer, K.G.Chavady (Incoming)
Coimbatore 641 105.

+ 2 ccs Mr.D. Vijay Kumar, Advocate 61818

WP.Nos.35153 and
35451 of 2015

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